

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
CRIMINAL CASE NO. 1:16-cr-00002-MR-WCM**

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
vs.) **O R D E R**
)
BARRY CARLTON TAYLOR,)
)
Defendant.)
)

THIS MATTER is before the Court on the Defendant's "Pro Se Motion for Emergency and Extraordinary Hearing in Order to Save Defendant's Life" [Doc. 54].

The Defendant moves the Court for immediate release due to the spread of COVID-19 within the prison in which he is incarcerated.¹ [Doc. 54]. The Defendant specifically does not seek compassionate release pursuant to 18 U.S.C. § 3582(c)(1)(A); rather, he asserts his claim as a habeas action under 28 U.S.C. § 2241. [Id. at 2].

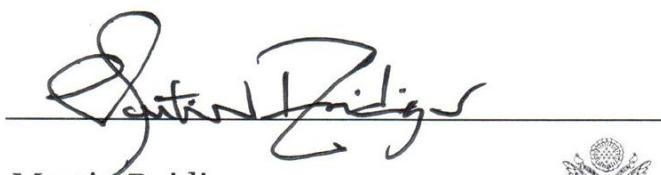
¹ The Defendant is currently incarcerated at FCI Butner Low. As of September 3, 2020, Butner Low had three active cases among the inmate population; one active case among its staff; and a total of 17 deaths. Additionally, 644 inmates and 17 staff have reportedly recovered from the virus. See <http://www.bop.gov/coronavirus/> (last visited Sep. 3, 2020).

A § 2241 petition challenging the execution of a sentence should be filed in the district of confinement. See In re Jones, 226 F.3d 328, 333 (4th Cir. 2000) (noting that § 2241 petition should be filed in district of confinement); see also Rumsfeld v. Padilla, 542 U.S. 426, 447 (2004) (“Whenever a § 2241 habeas petitioner seeks to challenge his present physical custody within the United States, he should name his warden as respondent and file the petition in the district of confinement.”). This Court lacks jurisdiction to entertain his claim under § 2241. See United States v. Hinton, 347 F. App’x 885, 885 (4th Cir. 2009) (per curiam). The Defendant is currently confined in a federal penitentiary in the Eastern District of North Carolina. Accordingly, the Defendant’s motion will be denied without prejudice to him refiling his petition in that District.

IT IS, THEREFORE, ORDERED that the Defendant’s “Pro Se Motion for Emergency and Extraordinary Hearing in Order to Save Defendant’s Life” [Doc. 54] is **DENIED WITHOUT PREJUDICE** to refiling in the district of confinement.

Signed: September 4, 2020

IT IS SO ORDERED.



Martin Reidinger
Chief United States District Judge

